

COUNTY OF YORK

MEMORANDUM

DATE: January 7, 2003 (BOS Mtg. 1/21/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Approval of revisions to joint waterfront development agreement with Yorktown Trustees

As the Board has previously been advised, the approval by the Board of a new Conceptual Master Plan for the Yorktown waterfront, made possible in part by the County's recent acquisition of the Yorktown property formerly owned by the late Mary Matthews, has necessitated a return to the Yorktown Trustees to gain their approval for the revised plan. Before you is a revised agreement, which I am happy to report was approved by the Yorktown Trustees at their regular monthly meeting of January 6, 2003. The attached Resolution R03-10, if adopted by the Board, would authorize me to sign the revised agreement on behalf of the County.

Although the main thrust of the proposed revisions to the agreement is to incorporate the new Conceptual Master Plan, incorporating the new plan proved to require more extensive revisions to the agreement than one might have initially thought. Because the revised plan shifted much of the proposed development onto property owned by the County, but leaving a portion of the restaurant structure sitting on property owned by the Trustees, some provision had to be made for the fact that the agreement currently provides that, upon the agreement's termination, the Trustees will own any buildings situated on their property. In order to accommodate a partial building, the Trustees have proposed a resubdivision of the boundary line between the County's property and the Trustees' property that would have the effect of placing the entire restaurant on the County's property. The Trustees would gain additional river frontage in a land swap, which would leave each party owning almost the same amount of land as before (I am advised by Robert S. Kraus, Director of Yorktown Development, that the Trustees gain approximately 20 square feet as a result of the proposed boundary line adjustment). A copy of a drawing showing the location of the proposed relocated boundary line is attached to the agreement as Exhibit C. The authorization for the actual adjustment is the subject of a separate memo, and is scheduled for a public hearing.

Also, because the new Conceptual Master Plan now places much of the development on County-owned property, the joint agreement had to be revised in several places to account for that fact. Because we hope to utilize the Yorktown Fund to help operate and maintain all of the waterfront improvements shown on the Conceptual Master Plan, and not just those located on Trustees' property, the agreement has been revised to indicate that rents and other income from all of the proposed development (including development on County-owned property) will be placed into the Yorktown Fund, and that it can be utilized for the maintenance of all such facilities. Also, because the County anticipates utilizing the Industrial Development Authority (IDA) to take direct responsibility for constructing the restaurant, parking terrace, and other proposed improvements, the agreement has been revised to state clearly that the County has authority to sublease the Trustees' property to the IDA for that purpose, and that the Yorktown Fund can be used (if needed) to retire any IDA bonds

which were utilized to pay for the construction and development. As title to the freight shed is now held by the Yorktown Freight Shed Limited Partnership as a means of generating transferable historic building renovation tax credits, the revised agreement expressly authorizes the County to sublease to the limited partnership that portion of the Trustees' property on which the freight shed sits. Because County-owned property is now expressly included within the Conceptual Master Plan, we have added a definition of "County-owned property," as that term appears sprinkled throughout the agreement. As plans now call for building adjacent to the restaurant building, the pier designed for recreational boats previously planned for construction near the Watermen's Museum, the agreement now references the "Upriver Pier." References are deleted to the "Observation Pier" which the previous Conceptual Master Plan had called to be constructed approximately where the freight shed formerly stood. Finally, because many of the actions necessary to be taken with respect to the freight shed have actually been accomplished, the provisions regarding that structure have been modernized to reflect what has already been accomplished.

The thrust of the joint agreement remains the same, however, and will allow the County, in cooperation with the Trustees and the IDA, to build a parking facility, a restaurant, and a number of buildings for office and/or retail uses, as part of a large scale redevelopment of Yorktown. I recommend the approval of attached proposed Resolution R03-10.

Barnett/3340:swb

Attachments

? Proposed Resolution R03-10.

? Revised development agreement